

## **REMARKS/ARGUMENTS**

The final Office Action of August 29, 2008, has been reviewed and these remarks are responsive thereto. Claims 1, 7-10, 12, 13, 17, 21-24, 26-29, 31, 40, 41, 43, 44, and 46-50 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

### ***Rejections Under 35 U.S.C. § 103***

Claims 1, 17, 31, 40, 41, 43, 44 and 46-50 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,870,573 (Yeo), in view of U.S. Patent Appl. Pub. No. 2002/0069415 (Humbard), and further in view of U.S. Patent No. 6,549,669 (Sundqvist). Claims 7-9 and 21-23 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Yeo, in view of Humbard and Sundqvist, and further in view of U.S. Patent No. 7,130,864 (Lin). Claims 10, 12, 13, 24, and 26-29 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Yeo, in view of Humbard and Sundqvist, and further in view of U.S. Patent No. 4,963,979 (Sendelweck). Applicants respectfully traverse these rejections for at least the following reasons.

### **Disqualifying Humbard**

As previously discussed in the Amendment submitted June 4, 2008, U.S. Patent Appl. Pub. No. 2002/0069415 (Humbard) is not prior art to the present application. The Office Action alleges on page 2 that Applicants are not entitled to the benefit of U.S. Pat. Appl. Nos. 09/378,184 or 09/378,270. However, even assuming, without admitting, that the Applicants are not entitled to the benefit of these two applications, Humbard is nonetheless disqualified based on additional priority claims.

The earliest possible priority date of Humbard is September 8, 2000. However, the instant application claims priority from several earlier patent applications, including U.S. Patent Application Serial No. 09/488,361, filed on January 16, 2000, now U.S. Patent No. 6,421,067, issued July 16, 2002 (the ‘067 patent). Applicants note that the Office has not yet acknowledged Applicants’ priority claim to this prior application, however, this benefit claim was properly made in the Preliminary Amendment submitted on June 5, 2002. Therefore, Applicants submit that Humbard is unavailable as a prior art reference with respect to any of the subject matter

disclosed in the ‘067 patent (which also incorporates by reference U.S. application serial nos. 09/344,442, 09/361,470, and 09/378,184). Furthermore, as discussed below, the ‘067 patent discloses the invention of each pending claim in the manner provided by the first paragraph of 35 U.S.C. § 112, first paragraph. See 35 U.S.C. § 120; MPEP §§ 201.08, 201.11(I). Therefore, since every rejection in the Office Action relies on the Humbard reference, Applicants request that all standing rejections be reconsidered and withdrawn.

**Claims 1, 7-10, 12, 13, 17, 21-24, 26-29, 31, 40, 41, 43, 44, and 46-50**

As discussed in the Amendment submitted June 4, 2008, Applicants maintain that none of the pending claims is obvious over the available cited references. Specifically, independent claims 1 and 31 each recite, in part, displaying a graphical representation of a polyhedron in a first image area, and displaying a reduced image of real-time programming associated with a selected channel on a side of the graphical representation of the polyhedron. Independent claim 17 also recites display[ing] a graphical representation of a polyhedron in a first image area, and further recites, display[ing] a snapshot associated with a selected channel on a side of the graphical representation of the polyhedron.

The Office Action correctly acknowledges on page 3 that Yeo does not disclose displaying a graphical representation of a polyhedron, or displaying an image associated with a selected channel on a side of a polyhedron. The Sundqvist, Lin, and Sendelweck references, alone or in combination, fail to cure the deficiencies of Yeo, in that these references also do not disclose or suggest displaying images on a side of a polyhedron.

Instead, the Office Action relies on Humbard as allegedly teaching an electronic navigator displaying rotatable cubes having television programming images on the sides of the cube. However, the ‘067 patent describes displaying a graphical representation of a polyhedron, and displaying reduced images of programming associated with selected channels on sides of the graphical representation of the polyhedron, as recited in claims 1, 17, and 31. (See, e.g., FIG. 2C; col. 13, line 52 to col. 14, line 34.) Therefore, since Humbard is unavailable as a prior art reference with respect to this subject matter, and since none of the other cited references discloses or even suggests displaying a graphical representation of a polyhedron, or displaying a reduced image of programming associated with a selected channel on a side of a graphical

representation of a polyhedron, Applicants respectfully submit that independent claims 1, 17, and 31 are not obvious over the available cited references.

Dependent claims 7-10, 12-13, 21-24, 26-29, 40-41, 43-44, and 46-50 are not obvious in view of the cited references for at least the same reasons as their respective base claims, as well as based on the additional features recited therein. For example, claims 48-50 each recite, converting and displaying a “reduced resolution video stream on the side of the graphical representation of the polyhedron.” As discussed above, none of the available cited references discloses or suggests displaying a graphical representation of a polyhedron, or displaying an image from a channel of programming on a side of the graphical representation of the polyhedron. These cited references also fail to disclose or suggest displaying a reduced resolution video stream from a programming channel on the side of a polyhedron. Accordingly, for similar reasons to those discussed above, new claims 48-50 are further allowable over the available cited references.

### CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants’ undersigned representative at the below-listed number.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated this 1<sup>st</sup> day of December, 2008

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